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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 27th November, 1961:—

BILL No. XX OF 1961

A Bill further to amend the Indian Succession Act, 1925.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Indian Succession (Amendment) Act, 1961.

Short title.

39 of 1925.

2. In section 211 of the Indian Succession Act, 1925 (hereinafter referred to as the principal Act), in sub-section (2), for the words "or Jaina", the words "Jaina or Parsi" shall be substituted.

Amendment
of section
211.

3. In section 212 of the principal Act, in sub-section (2), for the words "or Indian Christian", the words "Indian Christian or Parsi" shall be substituted.

Amendment
of section
212.

4. In section 213 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment
of section
213.

"(2) This section shall not apply in the case of wills made by Muhammadans, and shall only apply—

(i) in the case of wills made by any Hindu, Buddhist, Sikh or Jaina where such wills are of the classes specified in clauses (a) and (b) of section 57; and

(ii) in the case of wills made by any Parsi dying, after the commencement of the Indian Succession (Amendment) Act, 1961, where such wills are made within the local limits of the ordinary civil jurisdiction of the High Courts at Calcutta, Madras and Bombay, and where such wills are made outside those limits, in so far as they relate to immovable property situate within those limits."

STATEMENT OF OBJECTS AND REASONS

Under the Indian Succession Act, 1925 the Parsis are governed in the matter of obtaining representative title to property of deceased on succession by sections 211, 212 and 213 of that Act. When a Parsi dies intestate, letters of administration have to be obtained by his successors under section 212 of the Act for establishing any right to any part of his property. This section does not, however, apply to Hindus, Muhammadans, Buddhists, Sikhs or Jains. Similarly, under section 213 of the Act, a Parsi has to establish his right as executor or legatee only after obtaining a probate of the will under which such right is claimed. This section also does not apply to Muhammadans nor to Hindus, Buddhists, Sikhs and Jains except to a limited extent. Since sections 212 and 213 are applicable to Parsis, they cannot obtain succession certificates under section 370 of the Act. The Parsis have therefore to incur heavy costs in obtaining letters of administration or probate of the will. Whatever might have been the historical reasons for treating Parsis on a different footing when the law of succession was enacted, it is considered that there is hardly any justification at present for such differential treatment. It is, therefore, proposed that they should be brought on a par with Hindus, Buddhists, Sikhs, Jains and others by suitably amending sections 211, 212 and 213 of the Act.

The Bill seeks to achieve this object.

NEW DELHI;

A. K. SEN.

The 21st October, 1961.

S. N. MUKERJEE,

Secretary.